

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,  
MASSACHUSETTS LABORERS' HEALTH AND  
WELFARE FUND and NEW ENGLAND LABORERS'  
TRAINING TRUST FUND; JAMES MERLONI, JR.,  
as he is TRUSTEE, MASSACHUSETTS LABORERS'  
PENSION FUND and MASSACHUSETTS LEGAL  
SERVICES FUND; MARTIN F. WALSH, as he is  
TRUSTEE, MASSACHUSETTS LABORERS'  
ANNUITY FUND,

Plaintiffs

vs.

AG ASBESTOS, INC.,

Defendant

and

FLEET SMALL BUSINESS SERVICES,

Trustee

C.A. No. 04-12639 RWZ

**VERIFIED REQUEST TO ENTER DEFAULT**

Plaintiffs Paul J. McNally, as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al, request the Clerk to enter the default of AG Asbestos, Inc. (hereinafter "AG"). This request is made pursuant to Rule 55(a), Fed.R.Civ.P. In support of this request, the Plaintiffs say:

- 1) This action was filed on December 16, 2004.
- 2) Complaint was served on defendant AG on February 3, 2005.
- 3) By letter dated February 17, 2005 AG, by its counsel, requested an extension of time until March 15, 2005 in which to file an answer, which request was agreed to by plaintiffs.

- 4) AG neither requested a further extension nor filed an Answer or other responsive pleading to the Complaint.

WHEREFORE, plaintiffs seek the entry of Default in this matter.

Respectfully submitted,

PAUL J. MCNALLY, as he is  
TRUSTEE, MASSACHUSETTS  
LABORERS' HEALTH AND WELFARE  
FUND, et al,

By their attorneys,

/s/ Anne R. Sills, Esquire  
Anne R. Sills, Esquire  
BBO #  
Segal, Roitman & Coleman  
11 Beacon Street  
Suite #500  
Boston, MA 02108  
(617) 742-0208

Dated: March 25, 2005

### **VERIFICATION**

I, Anne R. Sills, verify that I have read this Verified Request to Enter Default and that the facts set out in the Request are true to the best of my knowledge and belief.

/s/ Anne R. Sills, Esquire  
Anne R. Sills, Esquire

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above Verified Request to Enter Default has been served by first class mail upon attorney Joel Rosen at Metaxas Norman & Pidgeon, LLP, 900 Cummings Center, Suite #207T, Beverly, MA 01915 this 25<sup>th</sup> day of March, 2005.

/s/ Anne R. Sills, Esquire  
Anne R. Sills, Esquire